

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Litchfield Financial Corp., et al.)	
)	
Plaintiffs,)	
)	
v.)	Civ. Action 04-30076-MAP
)	
Buyers Source Real Estate Group,)	
et al.,)	
)	
Defendants.)	
_____)	

**CONSENTED MOTION TO CHANGE THE DATE
OF THE SCHEDULING CONFERENCE**

Plaintiffs Litchfield Financial Corporation, Land Finance Company, and Textron Financial Corporation hereby move to change the date of the Scheduling Conference currently set for December 21, 2005. In support of this Motion, Plaintiffs state as follows:

1. This action was brought against 18 defendants. Plaintiffs voluntarily dismissed their claims against one defendant (Mr. Stallings) pursuant to Rule 41(a). This Court granted one defendant's (Mr. Seigler's) motion to dismiss. *See* Order, Sept. 8, 2005.
2. An injunction entered by the Eastern District of Virginia federal court currently prevents plaintiffs from prosecuting their action in this Court as to 10 of the remaining 16 defendants (Messrs. Brewer, Blake, Montgomery, Campbell, Mses. Brewer, Gard, and the four Buyers Source entities). *See* this Court's Order of November 9, 2004 (recognizing the effect of the Eastern District of Virginia injunctive Order).
3. Counsel for Plaintiffs have contacted counsel for the five attorney defendants (Messrs. Lumpkin and Hudgins, and their associated law firms, Stephen A. Hudgins, P.C., Hudgins & Stallings, PC, and John C. Lumpkin, PC) concerning settlement efforts. The parties believe that

settlement talks may prove fruitful but the financial burden to certain of the defendants of contemporaneous discovery would be problematic. In order to avoid the costs of discovery while these parties attempt settlement efforts, the plaintiffs and these defendants have agreed to ask the Court to reschedule the initial scheduling conference as described below.

4. The parties involved in discussions will attempt to negotiate a resolution of the plaintiffs claims for the next 45 days.

5. Defendant Ferguson has appeared pro se in this action. Plaintiffs' counsel will also attempt to discuss settlement with Mr. Ferguson during the same 45 day period.

6. If the settlement efforts are successful, the Plaintiffs will then provide the Court with a proposal concerning the claims against the 10 defendants currently protected by the Eastern District of Virginia injunction order.

7. If the parties involved in settlement discussions cannot resolve the claims, the parties will submit a proposed Scheduling Order on February 1, 2005 and meet with the Court at a date set by the Court for the Scheduling Conference so that discovery can commence.

8. As noted above (paragraph 3), counsel for the five attorney defendants join in this request.

Wherefore, Plaintiffs request that this Court reschedule the Scheduling Conference to a date after February 1, 2006.

Dated December 15, 2005

Respectfully submitted
Counsel for Plaintiffs
Litchfield Financial Corp., et al.,

/s/ James E. Anklam

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